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Order Regarding Motion for Sentence Reduction

## UNITED STATES DISTRICT COURT

NORTHERN

District of NEW YORK

UNITED STATES OF AMERICA

ORDER AND AMENDED JUDGMENT  
REGARDING MOTION FOR SENTENCE  
REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

V.

DARNELL KELLUM

Case Number: 1:00-cr-309-002 (DNH)

USM Number: 10225-052

Date of Previous Judgment: January 19, 2001

Alexander Bunin, Esq.

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 121 months is **reduced to 120 months**.

## I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 29Amended Offense Level: 27Criminal History Category: IVCriminal History Category: IVPrevious Guideline Range: 121 to 151 monthsAmended Guideline Range: 100 to 125 months (120 month mandatory minimum)

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☒ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (**explain**): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## III. ADDITIONAL COMMENTS


Except as provided above, all provisions of the judgment dated January 19, 2001 shall remain in effect.

IT IS SO ORDERED.

April 25, 2008

Order Date

Effective Date (if different from order date)

  
David N. Hurd  
District Judge